



Order Filed on February 9, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY  
COURT DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)

LLT MANAGEMENT, LLC,  
Debtor.

Case No. 21-30589

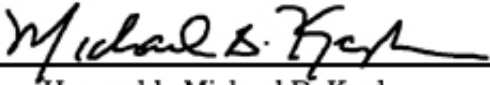
Chapter 11

Judge Michael B. Kaplan

**ORDER IDENTIFYING NOMINEES FOR SELECTION AS  
FUTURE TALC CLAIMS REPRESENTATIVE**

The relief set forth on the following pages is hereby ORDERED.

**DATED: February 9, 2022**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

**THE COURT** having entered an Amended Order Amended Case Management Order setting selection protocol for Future Talc Claims Representative ("FCR") directing the Debtor and the Official Committees of Talc Claimants I & II to each submit *ex parte* to the Court up to **three (3)** names [for a total of **six** names] of nominees for appointment as the FTCR (ECF No. 1135); and pursuant to the Amended Order, the Court adding its own nominees for consideration, and the Court having reviewed such submissions, and for good cause shown;

**IT IS ON THIS 9<sup>th</sup> DAY OF FEBRUARY, 2022, HEREBY ORDERED**

The following individuals have been nominated for possible appointment as a FTCR in this proceeding. Their background information accompanies this Order. (Names are listed alphabetically.)

- Maria Corodemus
- Randi S. Ellis
- MarkFalk
- Eric D. Green
- Joseph W. Grier, III
- Gary J. Russo
- Lawrence F. Stengel
- R. Scott Williams

Parties are directed to proceed with consideration consistent with the Court's Amended Case Management Order setting selection protocol for FTCR (ECF No. 1135).

Hon. Marina  
Corodemus

RETIRED JUDGE & MANAGING PARTNER

## CONTACTS

33 Wood Avenue South, Suite 600  
Iselin, NJ  
732-801-1746

judgadr@gmail.com  
MC@ccadr.com

http://www.ccadr.com/team/judge-marina-corodemus-ret

## SKILLS

- Alternative Dispute Resolution
- Mediation
- Arbitration
- Settlement Negotiations
- Special Master
- Trustee in Bankruptcy
- Trust Administrator

## PRACTICE AREAS

- Mass Tort
- Products Liability
- Medical Negligence
- Environmental Law
- Consumer Fraud

## APPOINTMENTS

- First Mass Tort Judge in State of NJ
- President National Academy Court
- Appointed Masters
- Adjunct Professor Mass Torts
- National Lecturer Mass Torts & Ethics

## FUNCTIONS

- Judge
- Attorney
- Mediator
- Arbitrator
- Special Master

## EDUCATION

Seton Hall University School of Law  
Juris Doctor (1980)

Boston University  
Bachelor of Arts (1977)

## PROFILE

Judge Corodemus is a highly experienced and accomplished professional in Alternative Dispute Resolution (ADR) and a greatly sought-after special master by Federal and State Courts involving class actions, mass torts, environmental contamination, natural resource damages, products liability, consumer fraud and serious aggregate litigation. She possesses over 10+ years of experience on the bench as New Jersey's sole Mass Tort Judge. Judge Corodemus is the Director of ADR Practice in her firm Corodemus & Corodemus LLC with a national practice. She has lectured throughout the country. She is a member of the ALI Aggregate Litigation Advisor Committee, was an original Board and Executive Board Member of the Sedona Conference and served as an adjunct Professor at Rutgers Law School in Newark, New Jersey. She has been awarded the Chief Justice Robert N. Wilentz Lifetime Achievement Award and served as president of the Academy of Court Appointed Masters. She is seeking a Court appointment as an FCR.

## WORK HISTORY

### CORODEMUS & CORODEMUS

**Managing Partner; Director ADR Practice Area** (2004 - present)

**Partner** (1981 - 1993)

Returned to legal practice after retiring from a Judgeship in 2002 and focused strictly on alternative dispute resolution engagements as a neutral party, and to serve courts as a Special Master, Settlement Trustee, mediator or auditor.

Handled class actions, mass torts, environmental damages, products liability, consumer fraud and serious aggregate litigation.

Named special master by federal MDL Judges Eldon E. Fallon in the settlement involving Merck & Co.'s drug Vioxx and David A. Katz in the case involving DePuy Orthopaedics recall of ASR hip implants, as well as numerous other state appointments on other major litigation matters.

### METROPOLITAN DISPUTE RESOLUTION

**Mediator & Arbitrator** (2006 - present)

### MASS TORT COURT OF NEW JERSEY

**Judge of Superior Court** (1993 - 2004)

- Appointed to the New Jersey Superior Court, New Brunswick Middlesex County Vicinage. Received life tenure on reappointment in 2000 and retired in 2004.
- Selected to develop and implement a litigation program for the management of mass torts throughout the state of NJ. This Court's mission was expanded to encompass other types of aggregate or multiple case litigation beyond mass torts and became known as the "New Jersey Multi-County Litigation Court."
- Served as the sole "Mass Tort" state judge in New Jersey for the first 10 years. Presided over a variety of mass torts and class actions throughout the state of New Jersey. The cases included environmental, pharmaceutical, general products liability and asbestos matters (which were assigned to and part of the Mass Tort Court when I was on the bench). Several of the matters that came before me have been recognized as landmark "mass tort" cases, including:

- The Ciba-Geigy Toms River Plant Superfund Site Litigation
- New Jersey's Fen-Phen Diet Drug Litigation
- Tobacco Class Action casino
- Tobacco class action consumers
- Lead Paint Contamination
- New Jersey's Tobacco Litigation
- Silicone Breast Implants
- Vioxx
- Norplant
- Nexium
- Ephedra
- Hip replacement
- Latex Gloves
- Rezulin
- Mass Disaster and Environmental Disasters
- Ciba Geigy DUPONT ground air water contamination
- Texas Eastern Pipeline explosion cases
- Perth Amboy Watershed Cases
- Jersey City water pipe contamination
- FRT Plywood
- Hudson County Chromium Contamination

## CERTIFICATIONS

Certified Arbitrator for the American Association of Arbitrators (AAA)

Certified Arbitrator/Mediator for the American Health Lawyers Association (AHLA)

Admitted into the International Institute for Conflict Resolution

## MEMBERSHIPS

President of the Academy of Court Appointed Masters (ACAM)

President ATLA-NJ (appointed first woman President, 1992-1993)

Sedona Conference original Executive Board Member Working group membership

New Jersey State Bar Association, member, numerous committees

## AWARDS

- Received the Middlesex County Bar's **Robert T. Wilentz Lifetime Achievement Award** (2004). New Jersey Supreme Court Associate Justice Barry Albin was quoted as saying when referring to my work on the bench "having set the standard for how the State conducts Mass Torts cases."
- Recognized by the New Jersey Bar Association as a **Women Trail Blazer** for work and accomplishments as a lawyer and jurist.
- Best Individual Mediator**, National Law Journal (2015)
- Best Individual Mediator** by NJ Women Leaders in the Law (2016)
- Best Individual Mediator** by the New Jersey Law Journal (2017).

## PUBLICATION

"Rock'em, Sock'em Preemption: Who Is Getting Their Block Knocked Off?", BNA CLASS ACTION REPORTER Vol. 9, 9/26, 2008

## BAR ADMISSIONS

New Jersey, 1981  
New York, 1989  
U.S. District Court District of New Jersey, 1981  
U.S. District Court Southern District of New York, 1981  
U.S. District Court Eastern District of New York, 1981  
U.S. District Court Eastern District of New York, 1981  
Northern District of California 1981

1436 Filed 02/09/22 Entered 02/09/22 14:04:07 Desc Main Document Page 4 of 40  
The New Jersey Mass Tort Court program's docket grew requiring more than one judge to handle the wide array and volume of cases constantly being assigned to the court. Trained several judges to take on the duties of mass tort cases regionally in NJ: resulting in three New Jersey Superior Court vicinages: Bergen, Middlesex and Atlantic counties.

- Presiding over New Jersey's Mass Tort Court resulted in pioneering federal state court cooperation initiatives including participation and presentation at the Association of Chief Justices and the Federal Rules Committee. Developed judicial systems coordination methods employed today where both federal MDL and State Court Mass Tort programs are proceeding simultaneously.

## FEDERAL COURT APPOINTMENTS

- MDL No. 1567 (Vioxx Products Liab. Actions).** Appointed Special Master by Judge Fallon, U.S. District Court for Eastern District of Louisiana to handle settlement issues.
- MDL No. 1297 (DuPuy Orthopedic Devices Products Liab. Actions).** Appointed by Judge Katz, U.S. District Court for Northern District of Ohio, to handle settlement appeal issues.
- MDL No. 1335 (Propulsid Products Liab. Actions).** Appointed Special Master by Judge Fallon to handle settlement issues.
- MDL No. 2235 (American Medical Systems TVM Products Liab. Actions)** Appointed Special Master by Judge Goodwin U.S. District Court for Southern District of West Virginia to handle settlement issues relating to private settlement agreements.
- MDL No. 2602 (Benicar (Olmesartan) Products Liab. Litig.** Appointed Special Master on August 2017 by Judge Kugler, U.S. District Court of New Jersey with responsibility for handling and adjudicating applications to dismiss claims for failure to comply with the terms of a settlement agreement and making recommendation to the Court on the resolution of other motions related to the settlement specified in the agreement. The subject national settlement agreement covered 2,000 MDL cases from across the country as well as another 100 cases in New Jersey Superior Court in Atlantic County.
- MDL No. 2641 (Bard IVC Products Liab. Actions).** Appointed Special Master by Judge Campbell, U.S. District Court for District of Arizona, to handle settlement issues. Fitzgerald v. Gann Law Books, Inc., CA:11-cv-04287. Appointed mediator by New Jersey District Court Judge Cox-Arleo in 2013 to mediate and resolve TCPA class action case. Matter successfully settled and concluded.
- Ephedra bankruptcy.** Appointed Special Master by Judge Wolin, U.S. District Court of New Jersey.
- GAF G1 §524(9) Bankruptcy Trust Trustee.** Appointed by Judge Gambardella, U.S. Bankruptcy Judge, District of New Jersey, to serve as one of several court appointed trustees with responsibility for ongoing asbestos claims resolution trust, I oversee the work of Verus LLC who is that 524(g) trust's third-party claims administrator.

## STATE COURT APPOINTMENTS

- New Jersey Department of Environmental Protection v. Occidental, et al.** I was commissioned by presiding Judge Goldman to assist the parties' effort to voluntarily resolve a massive environmental injury case involving chemical pollution of the Passaic River by Diamond Shamrock Chemicals Co. and others. My efforts helped foster a \$355.4 million settlement agreement which was approved by the court in late 2014.
- Mirena IUD Products Liability Litig. Bergen County MCL Case 297.** I was appointed Settlement Master by Judge Harz to adjudicate claimant appeals in the case's private mass tort settlement program.
- In Re Corey Lidie Litigation.** On October 11, 2006, a small private airplane owned by the famed former Yankee pitcher Cory Lidie crashed into upper floors of a skyscraper located along the East River, killing Mr. Lidie along with a flight instructor in the plane with him. Numerous other people in the building were also injured. Among the issues in the ensuing litigation was who was actually piloting the plane at the time of the crash. I was jointly appointed by the courts in New York, New Jersey and California to mediate multiple, multi-million-dollar lawsuits pending before the several courts following the crash. The cases all resolved with settlements.
- Jersey City water pipes-asbestos litigation.** Appointed by New Jersey Superior Court to work with New Jersey Department of Environmental Protection and other parties to reach settlement of the matter. Case resolved in settlement.
- Hurricane Sandy Claims.** Appointed by presiding New Jersey Superior Courts to mediate disputed insurance coverage and payment claims brought following the massive property damage within New Jersey caused by Superstorm Sandy.

## OTHER PROFESSIONAL ACTIVITIES

- Frequent Lecturer NJ ICLE
- Past Adjunct Law Professor, Rutgers Law School (Mass Tort seminars)

**Randi S. Ellis**  
**Randi S. Ellis, LLC**  
**2220 Westcreek Lane Suite 217**  
**Houston, Texas 77027**

[tandi@randiellis.com](mailto:tandi@randiellis.com)

**(225) 803-1413**

Randi holds both a bachelor's degree in arts and sciences (1994) and a law degree (1997) from Louisiana State University. She completed the Harvard Law School Program on Negotiation. Before going into private practice, Randi clerked for the Honorable Christine Noland of the U.S. District Court for the Middle District of Louisiana and for the Honorable William Morvant of the Nineteenth Judicial District Court of Louisiana. She also served as an attorney for the Louisiana Legislature Civil Law Committee. Randi worked in private practice for over 12 years before opening her own firm in 2016.

**Special Master, Mediation, and Attorney Chair Experience**

- Appointed by many Courts and selected by the parties to serve as Special Master, Settlement Master, Arbitrator, Neutral, Facilitator, Guardian ad Litem, and Mediator in Multidistrict Litigation, federal, and state cases throughout the United States
- Served as Special Master in matters involving:
  - o Allocating settlement funds to class and mass action claimants (including development and implementation of methodology)
  - o Report and Recommendations to the Court on various assignments
  - o Final and non-appealable rulings on matters agreed to by the parties
  - o Case management from the beginning of the matter through the end or single issue for resolution
  - o Pretrial discovery, including resolution of privilege issues
  - o Reviewing reasonableness of attorneys' fees and expenses (including resolution of Common Benefit Fund issues)
  - o Pharmaceutical, personal injury, and property damage class and mass actions
- Served as arbitrator and mediator in both federal and state cases both by court appointment and by private party selection
- Appointed to serve as attorney chair for medical malpractice cases by plaintiffs and defendants (presided over more than 250 cases)

**Professional Licenses**

Admitted to Bar: Louisiana, 1997; Texas, 2021

Harvard Law School Program on Negotiation

## **Randi S. Eilis's Special Master, Mediation, and Settlement Allocation Assignments**

### **Multidistrict Litigation**

- *In re: Paraquat Products Liability Litigation*, MDL No. 3004 (S.D. Ill. J.P.M.L.) Court-Appointed Special Master to establish discovery protocols and schedule, maintain a database for claims in the MDL and state courts, propose methodology for selection of trial cases, and establish a framework for submission of common benefit time and expenses pertaining to litigation concerning injuries caused by exposure to the herbicide paraquat
- *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Oh. J.P.M.L.) Court-Appointed arbiter to a Fee Panel to oversee a process for allocation and distribution of the MDL Contingency Fee Fund and the Common Benefit Fund consistent with the terms of the Settlement Agreements between certain parties for fees and expenses incurred in furtherance of the opioid litigation
- *In re: Roundup Products Liability Litigation*, MDL No. 2741 (N.D. Ca. J.P.M.L.) Special Master selected by the parties for allocation concerning products liability claims alleging Non-Hodgkin Lymphoma after exposure to glyphosate-based herbicides
- *In re: Testosterone Replacement Therapy Litigation*, MDL No. 2545 (N.D. Ill. J.P.M.L.) Court-Appointed Settlement Master for mediation and allocation concerning products liability claims alleging arterial cardiovascular injuries or injuries related to blood clots in the veins as a result of taking prescription testosterone replacement therapy drugs
- *In re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2570 (S.D. Id. J.P.M.L.) Special Master selected by the parties for allocation concerning products liability claims alleging injuries after IVC filter was placed in the inferior vena cava to catch blood clots
- *In re: Sorin 3T Heater-Cooler System Products Liability Litigation*, MDL 2816 (M.D. Pa. J.P.M.L.) Court-Appointed Settlement Master for allocation of personal injury claims alleging serious infections and deaths following invasive surgeries
- *In re: Pradaxa (Dabigatran Etxilate) Products Liability Litigation*, MDL No. 2385 (S.D. Ill. J.P.M.L.) Court-Appointed Special Master for mediation and allocation; allocated \$650 million settlement fund to claimants alleging injuries related to anticoagulant pharmaceutical use; mediated and allocated MDL Common Benefit Fees and Expenses; Mediator and allocated state court settlements for CT and CA

- *In re: Coloplast Corp. Pelvic Support Systems Products DabWty LWgahon (Vaginal Mesh)*, MDL No. 2387 (S.D. W.Va. J.P.M.L.) Mediator concerning products liability claims arising out of vaginal mesh use; Court-Appointed Special Master to allocate aggregate settlement funds for claims against American Medical Services, Boston Scientific, CR Bard, Covidien, Ethicon, and Mentor
- *In re: DePuy Orthopaedics Inc. ASR Hip Implant Products DabWty LWgatfon*, MDL 2197 (N.D. Oh. J.P.M.L.) Special Master selected by the parties for allocation concerning products liability claims alleging injuries after being implanted with ASR hip device
- *In re: Actos (Pioglitazone) Products DabWty LWgatfon*, MDL No. 2299 (W.D. La. J.P.M.L.) Served as Special Master to allocate aggregate settlement funds to certain group of claimants alleging injuries related to bladder cancer
- *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179 (E.D. La. J.P.M.L.) Cami-Appointed Mediator for personal injury claims; appointed Court-Designated Neutral for resolution of various matters; developed methodology for allocating \$2.3 billion settlement fund to thousands of Gulf of Mexico seafood harvesters who alleged economic damage as a result of the BP oil rig disaster
- *In re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Litigation*, MDL No. 2100 (S.D. Ill. J.P.M.L.) Court-Appointed Mediator and Special Master concerning products liability claims arising out of contraceptive use
- *In re: Chinese-Manufactured Drywall Products DabWty Dhgatfon*, MDL No. 2047 (E.D. La. J.P.M.L.) Court-Appointed Mediator; secured commitments from more than 600 defendants to global settlement; assisted Special Master with allocation responsibilities for \$1.1 billion in settlement for case in which homeowners alleged defendants were responsible for installation of defective drywall
- *In re FEMA Trailer Formaldehyde Products DabWty LWgatfon*, MDL No. 1873 (E.D. La. J.P.M.L.) Deputy Special Master in federal Multidistrict Litigation case to allocate multiple settlement funds to several thousand claimants who alleged chemical exposure while occupying temporary housing after Hurricane Katrina
- *In re Denture Products DabWty LWgahon*, MDL No. 2051 (S.D. Fla. J.P.M.L.) selected by group of settling products liability plaintiffs to allocate aggregate settlement fund

### Other Federal Court Litigation

- *In re: Essure Birth Control Device Products Liability Litigation*, E.D. Pa. and Ca. state court, Special Master selected by the parties for allocation concerning side effects of coils causing women to experience complications after implantation the birth control device
- *Mass Depakote Litigation*, 12-cv-52, etc. (S.D. Ill.) Court-Appointed Mediator and Special Master for settlement and allocation of claims alleging birth defects arising out of pharmaceutical use
- *Hale, et al. v. State Farm Mutual Automobile Insurance Company, et al.*, 3:12-cv-660 (S.D. Ill.) Court-Appointed Mediator in 4.7 million member class action alleging violations of the Racketeer Influenced Corrupt Organizations Act ("RICO") and deprivation of an impartial forum
- *Suchanek, et al. v. Strum Foods, Inc. et al.*, 3:11-cv-565 (S.D. Ill.) Court-Appointed Mediator to resolve and allocate attorney fee dispute in class action settlement alleging consumer fraud and unjust enrichment
- *Medtronic Infuse Litigation* (multiple jurisdictions) Mediator for products liability claims arising out of bone graft product use; as well as Court-Appointed Special Master for allocation of aggregate settlement fund
- *McClurg et al v. Mallinckrodt, Inc. et al.*, 4:12-cv-00361 (E.D. Mo.) Court-Appointed Mediator and Special Master for settlement and allocation for consolidated actions seeking damages for injuries allegedly sustained as a result of multiple decades of exposure to hazardous, toxic, and radioactive substances
- *In re: Just For Men® Mass Tort Litigation*, 3:16-cv-00638 (S.D. Ill.) Court-Appointed Mediator Facilitator and Special Master for settlement and allocation for mass action involving claimants alleging adverse reactions and personal injuries suffered from product use
- *St. Jude Medical Spinal Cord Stimulator Products* (multiple jurisdictions) Mediator and Allocation Neutral for claims arising out of the use of spinal cord stimulator systems
- *In re: Swift Energy Company, et al.*, 13-05552 (E.D. La.) Mediator and Settlement Administrator for claims alleging property damage from oil release to oyster leases
- *Avandia Deceptive Marketing Litigation* (multiple jurisdictions) Mediator for products liability claims by certain attorneys general arising out of allegations of deceptive marketing of diabetes pharmaceutical



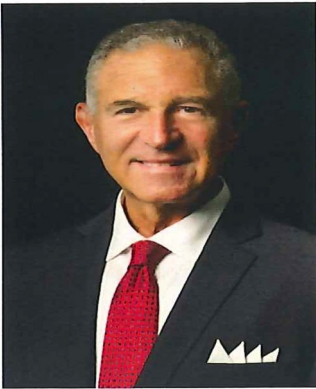
- *Jan Pollard, et al. v. Remington Arms Co., et al.*, 4:13-00086 (W.D. Mo.) Mediator for products liability claims arising out of gun use
- *Jeff Simmons, et al. v. Sabine River Authority of Louisiana, et al.*, 2:11-cv-00588 (W.D. La.) Special Master for allocation of class settlement funds to claimants who alleged that they had suffered flood damages due to the opening of a nearby dam
- *John Burford, et al. v. Cargill, Inc.*, 05-0283 (W.D. La.) assisted Special Master to disburse nationwide class settlement funds to thousands of farmers in 47 states who used allegedly defective dairy feed product

### State Court Litigation

- *Risperdal and Invega Product Liability Cases* (Pa. and Ca.) Mediator for actions pending in state courts alleging personal injury arising out of pharmaceutical use
- *Paul Thompson, et al. v. Williams Companies, Inc. and Bailey, et al v. Williams Olefins, LLC, et al.*, 72,701 (La. 18<sup>th</sup> J.D.C.) Mediator and Comi Appointed Special Master for settlement and allocations for claims arising out of personal injuries from plant explosion
- *Jane Doe No. 1, et al. v. The Johns Hopkins Health System Corporation, d/b/a The Johns Hopkins Hospital, et al.*, 24-C-13-00141 (Md. Baltimore City Cir. Ct.) Mediator for claims arising out of claims of physician misconduct
- *Noretta Thomas, et al. v. A. Wilbert & Sons, L.L.C., et al.*, 55,127 (La. 18<sup>th</sup> J.D.C.) Special Master for allocation of class settlement funds to several thousand of residents of and visitors to trailer park in settlement with trailer park owner for ground water contamination claims; Court-Appointed Special Master to allocate attorneys' fees; Court-Appointed Special Master to allocate class settlement funds to several thousand landowners in settlement with chemical plant owner for chemical pollution claims
- *Toussaint Battley, Sr., et al. v. Pointe Coupee Parish Police Jury, et al.*, 41,792 (La. 18<sup>th</sup> J.D.C.) Special Master for allocation of class settlement funds to property owners damaged by flood
- *Carey C. Abbott, et al v. Waste Management, Inc., et al.*, 87,182 (La. 21<sup>st</sup> J.D.C.) Special Master for allocation of settlement funds to residents affected by environmental contamination
- *Mark S. Creech, et al. v. Acadian Ambulance Service, Inc.*, 61,236 (La. 18<sup>th</sup> J.D.C.) Court-Appointed Special Master for allocation of settlement funds to insurance policyholders in class action requesting payment reimbursement

- *Keisha Desselle, et al. v. Acadian Ambulance Service, Inc.*, 2010-5885 (La. 12<sup>th</sup> J.D.C.) Court-Appointed Special Master for allocation of settlement funds to insurance policyholders in class action requesting payment reimbursement
- *Rita H. Holzenthal, et al. v. Sewerage & Water Board of New Orleans*, 2001-16969 (La. C.D.C.) assisted Special Master to allocate settlement to persons allegedly affected by New Orleans Sewerage and Water Board project
- *Kristen M Rhodes v. BG Estate Servs., Inc., et al.*, 2001-18355 (La. C.D.C.) assisted Special Master to allocate class settlement funds to persons allegedly affected by mold exposure
- *Arthur Schexnayder, Jr., et al. v. Entergy Louisiana, Inc., et al.*, 28,907 (La. 23<sup>rd</sup> J.D.C.) assisted Special Master to allocate of class settlement funds to property owners in more than 20 parishes against utility company for alleged trespass claims
- *Ivan Guidry, et al. v. City of Denham Springs*, 28,907 (La. 21<sup>st</sup> J.D.C.) assisted Court-Appointed Arbitrator to allocate settlement funds among claimants who were allegedly affected by wastewater contamination
- *In re Honeywell, July 20, 2003, Chlorine Release*, 511,626 (La. 19<sup>th</sup> J.D.C.) assisted Special Master to allocate class settlement funds to several thousand persons allegedly affected by two separate releases from chemical plant; assisted Special Master to allocate attorneys' fees

Additional case information and references available.



**Hon. Mark Falk (Ret.)**

**COUNSEL**

P: (973) 757-1040

F: (973) 757-1090

[mfalk@walsh.law](mailto:mfalk@walsh.law)

**WALSH PIZZI O'REILLY FALANGA LLP**

Three Gateway Center | 100 Mulberry Street, 15<sup>th</sup> Floor  
Newark, New Jersey 07102



**Practice Areas:**

- Mediation, Arbitration and Special Master Appointments
- Products Liability & Mass Tort
- Class Action Settlement
- Business & Commercial Litigation
- Trade Secrets & Employee Mobility
- Intellectual Property Litigation

**States Admitted to Practice:**

- New Jersey
- New York

**Courts Admitted to Practice:**

- United States Tax Court
- Court of Appeals, Third Circuit
- United States Supreme Court

**Education:**

- New York Law School, J. D. (cum laude)
- Antioch College, B.A.

**Affiliations:**

- New Jersey State Bar Association
- New York State Bar Association
- Essex County Bar Association
- Fellow of the American Bar Foundation
- Former Trustee of the Legal Services Foundation
- Published member of the Law Review, New York Law School

The Honorable Mark Falk (Ret.) joined Walsh after a distinguished judicial career, having served 19 years on the federal bench. Judge Falk leads the firm's Mediation, Arbitration and Special Master Appointments practice.

In recognition of his years of excellent service, in 2019, Judge Falk's colleagues in the District of New Jersey named him as the Court's first Chief Magistrate Judge. During his nearly two-decade tenure, he mediated a range of complex federal matters, conducting thousands of mediations and settlement conferences, with most resulting in settlement.

Judge Falk is the author hundreds of opinions in a wide range of areas including products liability, intellectual property, and a multitude of other topics reflecting the broad array of cases within the jurisdiction of the federal courts.

Judge Falk is a former President of the Federal Magistrate Judge's Association and served two terms on the Advisory Committee on the Administration of the Magistrate Judge System in Washington.

In addition, Judge Falk served as the Compliance Judge in charge of administering the District Court's Mediation Program. and held positions on several other U.S. District Court committees, including the Rules Committee.

Before taking on the judgeship, Judge Falk was a partner with several top law firms during 25 years in private practice. He specialized in complex litigation and served as lead trial counsel in numerous high-profile trials in the state and federal courts.

Judge Falk currently serves as an Adjunct Professor of Law at Fordham Law School and at Rutgers Law School. He has lectured on a variety of legal topics at numerous other law schools and continuing legal education seminars including the New Jersey ICLE, the Federal Judicial Conference for continuing judicial education, and the New York Intellectual Property Association.

### MASS TORT, PRODUCT LIABILITY, AND ASBESTOS EXPERIENCE

- Personally tried mass tort and product liability cases on behalf of Plaintiffs and Defendants in the Federal and State courts in different jurisdictions.
- Presided over numerous Mass Tort and Pharmaceutical product liability Class Actions and Multi District Litigation (MDLs), many of which were settled.
- Was heavily involved in Asbestos Litigation around the country. Has a thorough knowledge of the science, medicine and law involving asbestos exposure.
- Participated in the settlement of large blocks of asbestos cases in the Federal Courts, as well as other Toxic Tort cases including, silicosis, lead and paint fumes, pharmaceutical product liability, and others.
- Participated in the seminal Johns-Manville asbestos Bankruptcy proceeding.

### RECENT ACTIVITY

Since retiring from the bench in October 2021, Judge Falk has been appointed by a Federal Judge in Florida as a Settlement Special Master in the largest Mass Tort MDL in U.S. History.

Judge Falk has been recently appointed by a New Jersey Federal Judge as Special Master in a pharmaceutical mass tort MDL to focus on administration and allocation of Common Benefit Fund, attorneys' fees and expenses and various settlement implementation roles.

### WHAT WE CAN DO

Serve as court appointed Special Master or Mediator to help settle disputes, do allocations of aggregate settlements, assist in all aspects of settlement implementation.

ERIC D. GREEN  
PRINCIPAL  
RESOLUTIONS, LLC

Address:

Office: RESOLUTIONS, LLC  
30 Monument Square, Suite 245  
Concord, Massachusetts 01742  
(617) 556-0800

Education:

Brown University  
Class of 1968, A.B. with Honors

Harvard Law School, Cambridge, Massachusetts  
Class of 1972, J.D. Magna Cum Laude; Knox Memorial Traveling Fellowship  
Award 1972-73, Harvard Law Review Editor and Executive Editor, Vols. 84-  
85; Harvard Civil Rights-Civil Liberties Law Review, co-author, Summer  
Research Project Note, Vol. 6

Cambridge University, Cambridge, England  
Research Student in Criminology  
Knox Fellow, 1972-1973

Professional Membership & Activities:

State Bar of California; State Bar of Massachusetts; U.S. District Court for N.D. Cal.,  
C.D. Cal., D. Mass. Special Master, Northern District of Ohio, Ohio Asbestos Litigation;  
D. Mass. Massachusetts Asbestos Litigation; Guardian Ad Litem, Ahearn Class Action  
Settlement, E.D. Texas; Mediator, Suffolk County Superior Court Mediation Program;  
Governors Working Group on Alternative Dispute Resolution (Gov. Dukakis); American  
Bar Association, Section on Litigation (Conference Coordinator, 1982  
ABA/Harvard/NIDR Conference on The Lawyer's Changing Role in Resolving Disputes),  
Individual Rights, Legal Education, and Criminal Justice. Board of Directors of  
International Institute for Conflict Prevention & Resolution (CPR), National Panel of  
Commercial Arbitrators, American Arbitration Association. Boston Bar Association,  
Long Range Planning Committee and Board of Editors, Boston Bar Journal. Association  
of American Law Schools, Chairman, Section on Alternative Dispute Resolution.  
Honorary member American College of Civil Trial Mediators (Lifetime Achievement  
Award 2001), National Academy of Distinguished Neutrals and The Academy of Court-  
Appointed Masters.

Eric D. Green  
Page 2

Employment Experience:

1997 - Present:	Founder, Principal RESOLUTIONS, LLC 30 Monument Square, Suite 245 Concord, Massachusetts 01742
2005 - Present	Special Master of the Takata Airbags Restitution Funds and the Trustee of the Takata Airbag Tort Compensation Trust Fund  Examples of other Court-appointed functions such as Special Master and Guardian Ad Litem include:  Future Claims Representative for the DII Industries, Asbestos PI Trust, Babcock & Wilcox Company Asbestos PI Trust, Bondex Asbestos Personal Injury Trust, Federal-Mogul Personal Injury Trust, and Fuller-Austin Asbestos Settlement Trust, the DII Industries, Silica Personal Injury Trust, and the Met-Coil TCE PI Trust  In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation, US District Court of Massachusetts  Special Master, N. District of Ohio, Ohio Asbestos Litigation  D. Mass. Massachusetts Asbestos Litigation  Guardian Ad Litem, Ahearn Class Action Settlement, E.D. Texas
2014 - Present	Monitor of the Residential Mortgage Backed Securities Settlements between the Department of Justice and various states and each of Bank of America, Mortgage Stanley, Goldman Sachs and Royal Bank of Scotland  Court-appointed neutral in dozens of other cases including United States v Microsoft and In re Visa/MasterCard Payment Antitrust Litigation
1982- 1997:	Founder, Director, Chief Mediator J·A·M·S/ENDISPUTE, Inc. 73 Tremont Street Boston, Massachusetts 02108
1977 - 2008:	Professor Boston University School of Law 765 Commonwealth Avenue Boston, Massachusetts 02215

Eric D. Green  
Page 3

Fall, 1979:	Visiting Professor Harvard Law School Cambridge, Massachusetts 02138
June - August, 1978:	Attorney Advisor to the Regional Director Los Angeles Regional Office Federal Trade Commission 11000 Wilshire Boulevard Los Angeles, California 90024
1974 - 1977:	Partner - General Civil Litigation Munger, Tolles & Olson 612 South Flower Street Los Angeles, California 90014
1973 - 1974:	Law Clerk Chambers of Justice Benjamin Kaplan Massachusetts Supreme Judicial Court Boston, Massachusetts 02210
1961 -1981:	Surveyor/Draftsman/General Counsel/Board of Directors Green International, Inc. 504 Beaver Street Sewickley, Pennsylvania 15143

Teaching Experience:

Professor, Boston University School of Law, 1977-2007 -- taught courses in Evidence, Alternative Dispute Resolution, Constitutional Law, The Legal Method, and Free Press Issues.

Visiting Professor, Harvard Law School, Fall 1979 -- taught course in Evidence.

Lecturer in Law, Harvard Law School, 2016-2017 -- Evidence

Awards:

Recipient of 2001 Lifetime Achievement Award, American College of Civil Trial Mediators

Recipient of 2010 James F. Henry Award, The International Institute for Conflict Prevention & Resolution (CPR)

Selected as one of the Lawdragon 500 Leading Judges in America. March 2006.

Eric D. Green  
Page4

Named "Leading Lawyer" in numerous Bar publications and associations.

Major Publications:

Settling Large Case Litigation: An Alternate Approach (with Marks & Olson), 11 Loyola of Los Angeles Law Review 493 (1978).

Avoiding the Legal Logjam -- Private Justice, California Style, Dispute Management (1981).

An Ounce of Prevention: Dispute Resolution by Contract (with Jacobs), Dispute Management (1981).

The Mini-Trial Approach to Complex Litigation, Dispute Management (1981).

Proceedings of the Intercorporate Disputes Task Force: Expanded Use of the Mini-Trial, Private Judging, Neutral-Expe- l Fact Finding, Patent Arbitration, and Industry Self-Regulation
, Dispute Management (1981).

The CPR Legal Program Mini-Trial Handbook, in Corporate Management, New York: Matthew Bender & Co., Inc., 1982.

Problems, Cases and Materials on Evidence (with Nesson), Little, Brown & Co. 1983, with Teaching Manual and 1984 Supplement, and second, third and fomih editions.

"A Comprehensive Approach to the Theory and Practice of Dispute Resolution," 34 Journal of Legal Education 245 (June 1984).

Dispute Resolution (with Goldberg & Sander), Little Brown & Co., Fall 1985.

"A Heretical View of the Mediation Privilege," 2 Ohio State Journal on Dispute Resolution 1 (1986).

"Corporate Alternative Dispute Resolution," 1 Ohio State Journal on Dispute Resolution 285 (1986).

Probability and Inference in the Law of Evidence, (with Tillers), Kluwer Academic Publishers, 1988.

Federal Rules of Evidence: with Selected Legislative History and New Cases and Problems, (with Nesson), Little, Brown and Company (1988).

Rhode Island Rules of Evidence with Advisory Committee Notes & Case Law Developments, Salem, N.H.: Butterwolih Legal Publishers (1990).

Problems, Cases and Materials on Evidence, 2nd Edition (with Nesson), Little, Brown & Co. 1994, with Teaching Manual and 1994 Supplement.



Eric D. Green  
Page 5

Rhode Island Rules of Evidence, (Issue 4) Butterworth Legal Publishers, October 1994.  
What Will We Do When Adjudication Ends? We'll Settle in Bunches: Bringing Rule 23 Into the Twenty-first Century, 44 UCLA L. Rev. 1773 (1997).

Future Claimant Trusts and "Channeling Injunctions" to Resolve Mass Tort Environmental Liability in Bankruptcy: The Met-Coil Model, (with Patton & Harron}, Volume 22, Emory Bankr. Dev. J. 157 (2005).

Re-examining Mediator and Judicial Roles in Large, Complex Litigation: Lessons from Microsoft and Other Megacases, 86 Boston University Law Review 5 (2006).

Prepackaged Asbestos Bankruptcies: Down but Not Out, (with Fitzpatrick, Patton, Harron & Turner), 63 NYU Annual Survey of American Law 4 (2008).

#### Other Articles, Addresses, Studies, and Testimony

"Preventive Detention: An Empirical Analysis," 6 Harvard Civil Rights-Civil Liberties Law Review (1971). An original field study sponsored by the American Bar Foundation into the incidence and prediction of recidivism during pre-trial release--extensively reprinted and distributed by the American Bar Foundation Law Review Research Series.

Author, primarily responsible for "The Supreme Court, 1970 Term, *Coolidge v. New Hampshire*," 85 Harvard Law Review 327, 1971.

Editor, Fletcher, "Fairness and Utility in Tort Theory," 85 Harvard Law Review 537 (1972); Cox, "Labor Law Pre-emption Revisited," 85 Harvard Law Review 1337 (1972); "Recent Case, *J.E. Bernard & Co. v. United States*," 85 Harvard Law Review 1478 (1972).

Alternative Dispute Resolution in Complex Civil Cases, (MCLE-NELI 1981) (Editor).

"Resolution of Business Disputes Outside the Courts" 4 Corporate Counsel Review, June, 1981.

"Mini-Trials Now Used in Government Contract Dispute" Dispute Resolution, Summer, 1982.

"Growth of the Mini-Trial," 9 Litigation 12, Fall 1982.

"James H. Chadbourn (in Memoriam)," 96 Harvard Law Review 1982.

"Ohio Asbestos Litigation: Case Management Plan and Case Evaluation and Apportionment Process," presented to Hon. Thomas D. Lambros, U.S. District Court, Northern District Ohio, by Special Masters Green and McGovern, December 1, 1983.

"Getting Out of Court - Private Resolution of Civil Disputes," 28 Boston Bar Journal 11, May/June 1984.

Eric D. Green  
Page 6

"Reading the Landscape of ADR -- The State-of-the-Art of Extra-Judicial Forms of Dispute Resolution," First Annual Judicial Conference of the United States Court of Appeals for the Federal Circuit, 1984.

"Asbestos Litigation: Addressing the Problem -- One Court's Strategy," 8 State Court Journal 19 (with Lambros, J. and McGovern), Winter 1984.

"The Life of the Mediator: To be or Not to Be ... Accountable?", 1 Negotiation Journal: On the Process of Dispute Settlements (with Goldberg and Sanders), July 1985.  
"Use of the Mini-Trial in Ocean Related Disputes, in Coastal Zone and Continental Shelf Conflict Resolution: Improving Ocean Use and Resource Dispute Management" MIT Sea Grant Report Series, 1985.

"Private Judging: A New Variation of Alternative Dispute Resolution," 21 Trial 36, 1985.

"Saying You're Sorry," Negotiation Journal (with Goldberg & Sander), July 1987.

"Litigation, Arbitration or Mediation: A Dialogue," 75 American Bar Association Journal 70, (with Goldberg & Sander), 1989.

"Voluntary ADR: Part of the Solution" 29 Trial Magazine 35, April 1993.

"The General Counsel's Guide to ADR in the 1990's: A Negotiation-Based Approach," Business Lawyer; North Carolina Bar Association: Corporate Counsel Section, 1995.

"The Role of the Broker in Residential Real Estate Transactions," A Report to the Federal Trade Commission (with B. Brown).

Chairman, Keynote Speaker and Editor, "Getting Out of Court: Alternative Dispute Resolution in Complex Civil Cases," Massachusetts Continuing Legal Education Program, May, 1981.

Testimony before the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, re proposed amendments to the Federal Rules of Civil Procedure, October, 1981.

Coordinator and Speaker: First Annual Corporate Dispute Resolution Institute, Northwestern Law School, November, 1982.

"Teaching Alternative Dispute Resolution in Law Schools," AALS Workshop October, 1982, Harvard Law School.

"Reducing and Mitigating Institutional Disputes: The Causes and Effects of Corporate and Private Institutional Disputes With Government, Employees, Consumers and Each Other." in The Lawyer's Changing Role in Resolving Disputes (forthcoming). (This paper was presented at the "National Conference on the Lawyer's Changing Role in Resolving Disputes," October, 1982, at Harvard Law School, published in The Lawyer's

Eric D. Green  
Page 7

Changing Role in Resolving Disputes, (ed. with Marks and Sander), will be the major publication of the National Conference held at Harvard in October, 1982. Law & Business Department of Harcourt, Brace, Javonovitch.

Minnesota Continuing Legal Education Program 1982.  
Speaker, American Arbitration Association Workshop on Alternative Dispute Resolution, March, 1983.

"Alternatives to Litigation," Eight Annual Judicial Conference of the District of Columbia, June, 1983.

"Private Resolution of Corporate Disputes," ABA Committee on Corporate Counsel, Annual Meeting, 1984.

"Resolution of Corporate Disputes," Southeastern Corporate Law Institute, 1984.

"Alternative Dispute Resolution," The American Lawyer Conference on "Coming of Age in the '80s - How Corporate Counsel can Cope with Success," 1984.

Speaker and Program Chairman, "Cost-Effective Dispute Resolution and Management," Center for Public Resources Dispute Management Education Program, to more than a dozen corporate legal staffs 1982-1983.

"Alternative Dispute Resolution of Patent and Antitrust Cases," PLI Patent and Antitrust Conference, 1984.

"International Commercial Dispute Resolution: Comis, Arbitration, and Mediation - Introduction,' 15 BU International L.J. 175 (1997).

"Advancing Individual Rights Through Group Justice," and "A Post - *Georgine* Note," 30 U.C. Davis L. Rev. 791 (1997).

Other Professional and Community Membership Activities:

Reporter to the Advisory Committee on Proposed Rules of Evidence for Rhode Island.

Special Master, United States District Court, Nmihern District of Ohio, Ohio Asbestos Litigation.

Conference Coordinator, Harvard Law School/ABA, National Conference on the Lawyer's Role in Resolving Disputes (October 14-16, 1982).

Executive Committee and Chairman, AALS Section on Alternative Dispute Resolution.

Member, AALS Sections on Evidence and Alternative Dispute Resolution

Eric D. Green  
Page 8

Board of Directors, International Institute for Conflict Prevention & Resolution ("CPR"), Legal Project on Reducing the Costs of Business Disputes; also former Chairman, CPR Task Force on Inter-corporate Disputes and former Co-Chairman, CPR Dispute Management Education Program.

Member, Academy of Court-Appointed Masters

Chairman, New England Sierra Club Legal Committee (1981).  
Consultant, FTC Real Estate Brokerage Investigation (1979).

Editor, Organizer, MCLE-NELI 1981 Seminar on Alternative Dispute Resolution in Complex Civil Cases.

Founder and Chairman, Open Arms, Inc. (non Profit Refugee resettlement group).

Grier Wright Martinez, PA  
521 E. Morehead St., Ste 440  
Charlotte, NC 28246

Telephone 704 332-0201  
Fax 704 332-0216  
Email jgrier@grierlaw.com

## Joseph W. Grier, III

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### North Carolina Licensed Attorney

Mr. Grier is a licensed attorney in the State of North Carolina and certified as a business bankruptcy specialist by the North Carolina State Bar and as a specialist in Business Bankruptcy Law by the American Board of Certification. A substantial portion of his practice is devoted to commercial debtor-creditor work. He has served as a fiduciary in a number of cases, including as a legal representative in asbestos bankruptcies, a federal and state court receiver, and a bankruptcy trustee. Following is a brief description of some of the matters he has handled as a fiduciary.

### Legal Representative

Mr. Grier currently serves as the Future Claims Representative in the asbestos bankruptcy case of *Aldrich Pump LLC*, case number 20-30608, U.S. Bankruptcy Court, Western District of North Carolina.

Mr. Grier served as the Future Claims Representative in the asbestos bankruptcy case of *Garlock Sealing Technologies, LLC*, case number 10-31607, U.S. Bankruptcy Court, Western District of North Carolina, a case which resulted in the establishment and funding of a \$480M trust to resolve Garlock's mass tort liability arising from the manufacture and sale of asbestos or asbestos containing products and currently serves as Future Claims Representative for the trust.

### Bankruptcy Fiduciary

Mr. Grier served as the chapter 7 bankruptcy trustee in four related cases in the U.S. Bankruptcy Court for the Western District of North Carolina involving entities that were investment vehicles for a \$50M plus Ponzi scheme run by Richard Siskey (TSI Holdings, LLC, case number 17-30132; WSC Holdings, LLC, case number 17-30338; SouthPark Painners, LLC, case number 17-30339; and Sharon Road Properties, LLC, case number 17-303q3). To date, investors have received 100% of their allowed base Ponzi claims and will receive an additional distribution over and above their base Ponzi claims.

Mr. Grier was a member of the Bankruptcy Trustee's Panel for the Western District of North Carolina from 1979 through June 1984. In that capacity, he was appointed as both an operating and a liquidating trustee in numerous cases before that court, in which his responsibilities included the collection and liquidation of assets, determining claims, and making distributions.

### Federal Receiver (all Western District of North Carolina)

*Commodity Futures Trading Commission ("CFTC ") v. James Harvey Mason*, case number 3:13-CV-196. Mr. Mason fraudulently engaged in forex trading, misappropriating a significant portion of investor funds. There was a parallel criminal proceeding in the District Court against Mr. Mason (case number 3:14-cr-122) in which Mr. Mason pled guilty to securities fraud and filing a false tax return and for which Mr. Mason received 60 months of active prison time. The receiver adjudicated claims and made a distribution to customers.

*CFTC vs. Barki, et al*, case number 3:09-CV-106 (GCM). The receiver liquidated bank accounts, sold a horse farm, a Maserati and three other vehicles, resolved avoidable transfer claims with various individuals, and liquidated a life insurance policy. The receiver adjudicated claims and made a distribution to customers.

*CFTC vs. Capita/Street Financial LLC, et al*, case number 3:09-cv-387-RJC-DCK. The receiver collected funds from bank accounts, recovered and sold precious metals and stones, and liquidated a 1997 Ferrari and a 2003 BMW. The receiver adjudicated claims and made a distribution to customers.

*Federal Trade Commission and the State of North Carolina vs. Resort Sales Group, et al.*, case number 3:97-cv-382 MU, from 1997 to approximately 2000.

### **State Receiver**

Mr. Grier has served as a state court receiver in a number of other cases, in some instances at the request of the State of North Carolina and in other instances as the request of financial institutions foreclosing on commercial properties.

From 2007 through 2014, he served, at the request of the State of North Carolina, as the receiver for a group of entities that attempted, unsuccessfully and fraudulently, to develop resort property in the mountains of North Carolina. *See State of North Carolina ex rel. Roy Cooper, Attorney General vs. Peerless Real Estate Services, Inc., et al*, 07 CVS 009006, Wake Comity, NC, Superior Court. The development was known as the Village of Penland. In that receivership, Mr. Grier obtained a forensic accounting of the expenditure of over \$90 million of investor monies and filed a number of lawsuits to recover money. Five of the principals of the Village of Penland entities pled guilty to federal criminal charges. The United States District Court also appointed Mr. Grier as a special master to assist the District Court fashion restitution orders.

### **Background**

Born in Charlotte, North Carolina, 1951; Admitted to bar, 1977, North Carolina and U.S. District Courts for the Western District of North Carolina, Middle District of North Carolina and Eastern District of North Carolina; U.S. Court of Appeals, Fourth Circuit.

### **Education**

University of North Carolina (B.A., 1973; J.D., 1977). Member, Order of the Grail.

### **Memberships**

Mecklenburg County Bar Association, North Carolina Bar Association (Member, Bankruptcy Law Section); North Carolina State Bar; American Bar Association; American Bankruptcy Institute; The American Law Institute.

### **Community Activities**

Elder, Myers Park Presbyterian Church; Executive Board & former President, Mecklenburg County Council, Boy Scouts of America; Former Member, Dowd YMCA Board of Managers. Recipient of the Order of the Long Leaf Pine (presented by the State of North Carolina).



## GARY J. Russo

Partner      Lafayette

**Gary Russo is a partner in the Litigation Practice Group. He practices in areas involving oil and gas, commercial and environmental, litigation, and arbitration.**



Gary is an accomplished litigator who represents clients in a broad range of commercial, multi-district, mass tort, and class action disputes. He has extensive trial experience; having organized, handled, and argued cases before judges and juries in state, federal district, and appellate courts in multiple jurisdictions and courts in the US. In recognition of his abilities, he has been appointed by federal judges as special master for multidistrict litigations involving various mass torts.

Among other matters, Gary was appointed special master for the *In re: Actos (Pioglitazone) Products Liability Litigation*, MDL No. 2299, a nationwide pharmaceutical MDL and was appointed by the parties as special master to handle a \$2.4 billion settlement involving more than 10,000 claims. Gary was appointed settlement master in *In re: Xarelto Products Liability Litigation* assisting in the development of settlement protocols and drafting of the master settlement agreement as well as handling appeals from claims administrator decisions. Gary has also done allocations in various matters, including claims in *In re: DePuy Orthopaedics*, *In re: Roundup*, and *Karl Storz Power Morcellator*. Gary was recently appointed by the chief judge of the Western District of Louisiana as special master in flood claims for the 2016 flood. He has also

### Lafayette

Suite 1600  
600 Jefferson St  
Lafayette, LA 70501

D: 337.593.7610  
F: 337.593.7601

[grusso@joneswalker.com](mailto:grusso@joneswalker.com)

### New Orleans

201 St. Charles Ave  
New Orleans, LA 70170-5100

D: 504.582.8193  
F: 504.582.8583

### Education

- Louisiana State University  
Paul M. Hebert Law Center  
JD, 1979
- Louisiana State University  
BA, 1976

been involved as liaison counsel and served on committees in various multi-district litigation and class actions, including *In re: Apple iPhone 3G Products Liability Litigation*, MDL No. 2045 - Defense Liaison Counsel; *In re: Chinese-Manufactured Drywall Products Liability Litigation*, MDL No. 2047 - Insurance Steering Committee Member; and *In re: Oil Spill by the Oil Rig "Deepwater Horizon,"* MDL No. 2179 - Defense Steering Committee.

Gary is also a highly regarded arbitrator and has represented clients in US and international arbitrations, including a recent matter heard before the International Chamber of Commerce (ICC) International Court of Arbitration in Paris, France.

Prior to joining Jones Walker in 2009, Gary was a named partner at Longman Russo, APLC.

## Bar Admissions

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- Louisiana
- Texas

## Court Admissions

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- III US Court of Appeals for the Fifth Circuit
- US Court of Appeals for the Eleventh Circuit
- US District Court for the Eastern District of Louisiana
- US District Court for the Middle District of Louisiana
- US District Court for the Western District of Louisiana

## Related Practices

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- Alternative Dispute Resolution
- III Class Action Defense & Multi-District Litigation
- Energy & Natural Resources Practice
- Energy Litigation
- Environmental & Toxic Torts
- Insurance Coverage and Litigation Practice
- Litigation
- Oil & Gas
- Telecommunications & Utilities

## Related Industries

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- III Energy, Environmental & Natural Resources
- Maritime



## Noteworthy

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- " Appointed special master in the *In re: Actos (Pioglitazone) Products Liability Litigation*
- " Appointed special settlement master by the parties *In re: Actos (Pioglitazone) Products Liability Litigation*
- " Assisted the parties in settlement of common benefit issues *In re: Actos (Pioglitazone) Products Liability Litigation*
- " Appointed special settlement master in the *In re: Xarelto (Rivaroxaban) Products Liability Litigation*
- " Performed allocation of settlement funds in mass tort litigation including *In re: Karl Storz Power Morcellator*, *In re: Roundup*, and *In re: DePuy Orthopaedics, Inc.*
- " Roster of Neutrals for the American Arbitration Association
- " *Acadiana Profile*, "Top Lawyer of Acadiana," Commercial Litigation, Insurance Law (2021); Environmental Law, Oil and Gas Law (2019)
- *The Best Lawyers in America*®, Oil and Gas Law (listed annually since 2016)
- Best's Directory of Recommended Insurance Attorneys (listed since 2010)
- Obtained civil mediator training and certification from the National Mediation Academy, Inc. (2002)
- " AV Preeminent® Peer Review Rating in Martindale-Hubbell

## Experience

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### Special Master

- Negotiated case management orders
- Settled and/or ruled on discovery disputes
- Established ESI and predictive coding protocols
- Established a privileged resolution procedure
- Handled state and federal coordination
- Assisted in resolution of common benefit issues between various jurisdictions
- Performed allocation of settlement funds
- Settlement negotiations
- Settlement administration
  - Ruling on points award appeals
  - Ruling on EI award appeals
  - Worked on lien resolution issues

### Telecommunications

Enjoined a \$98-million bond issuance of a municipality:

- *Bel/South Telecommunications, Inc. v. The City of Lafayette and The Lafayette Public Utilities Authority*, Docket No. 2005-5245, Lafayette Parish, Louisiana (LUS fiber optic)
- *Bel/South Telecommunications, Inc. and Louisiana Cable & Telecommunications Associations v. The City of Lafayette and The Lafayette Public Utilities Authority*, Docket No. 2006-2019, Lafayette Parish, Louisiana
- *Ryan Franklin Perry and Bel/South Telecommunications, Inc. v. The City of Lafayette and The Lafayette Public Utilities Authority*, Docket No. 2005-0380, Lafayette Parish, Louisiana

Defense of nationwide class action lawsuits:

- *Iberia Credit Bureau, Inc., et al v. Cingu/ar Wireless LLC, f/k/a BellSouth Mobility, et al*, Civil Action 6:01 CV2148. We were successful in getting the US Court of Appeals for the Fifth Circuit to reverse the district court's refusal to enforce the client's arbitration clause
- *Sutton Steel & Supply, Inc., et al v. Bel/South Mobility Inc.*, Docket No. 91421, Iberia Parish, Louisiana

## Oil & Gas Litigation

- Represented various oil and gas producers and service companies in litigation involving multiple issues including contract disputes, environmental matters, and downhole damage blowout litigation.

## Environmental

Defended oil field legacy suits and claims involving allegation of exposure to toxic chemicals in oilfield waste:

- *Clarice Friloux, et al v. Campbell Wells Corporation, et al*, Docket No. 75524, Lafourche Parish, Louisiana, consolidated with Docket No. 76744 and Docket No. 79481-Successfully defended the operator of a non-hazardous oilfield waste site, in a five-week jury trial and suit brought by an entire community
- *Bonne Terre Lawn Care and Richard Owen, et al v. Campbell Wells, et al*, Lafourche Parish, Louisiana - Represented the operator of a non-hazardous oilfield waste site in a suit unrelated to *Friloux*, in which we were successful in having the claims dismissed after a five-day prescription hearing in state court in Thibodeaux, Louisiana

## Insurance and Homeowners & Commercial Coverage

- Handled more than 700 Hurricane Katrina insurance claims for a national insurance carrier

## Insurance Fraud

Handled numerous civil suits adverse to various companies, agents, and/or consultants, and worked with the FBI and US attorneys throughout the United States offices for multiple insurance companies, in the following representative matters:

- Howard Trucking Company (California): Resulted in multiple criminal convictions
- Coastwise Transport (Oregon): Civil award, and resulted in multiple criminal convictions
- Westcoast Truckers Association (California): Civil award, and resulted in multiple criminal convictions
- Intermodal Transportation (Louisiana)
- Nationwide Transportation Inc. (Kentucky/Ohio)
- Mutual Indemnity Thrift Association (New York): Civil award, and resulted in multiple criminal convictions

- Transportation Services (Florida): \$65-million civil award with multiple criminal convictions
- Best Western Hotels (Arizona): Involved allegations of fraud in the insurance purchased on behalf of a nationwide hotel chain
- Handled cases throughout the United States involving complex premium disputes

## **Banking**

- Represented banks in various commercial lending cases

## **Presentations**

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- Lectures frequently at nationwide seminars involving mass torts, including events sponsored by HarrisMartin and the Louisiana State Bar Association, (ongoing)

## **Memberships**

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- Academy of Court Appointed Masters
- American Bar Association
- Bar Association of the Fifth Federal Circuit
- Federal Bar Association (President, Lafayette/Acadiana Chapter; Member, Board of Directors, Lafayette/Acadiana Chapter)
- Lafayette Bar Association
- London Court of International Arbitration (LCIA), Panel Member
- Louisiana Association of Defense Counsel
- Louisiana State Bar Association
- State Bar of Texas
- Texas Association of Defense Counsel

## Related News & Insights

### Press Release

136 Jones Walker Attorneys Recognized in *The Best Lawyers in America*© 2022

August 19, 2021

### Press Release

136 Jones Walker Attorneys Recognized in *The Best Lawyers in America*© 2021

August 20, 2020

### Honors & Rankings

127 Jones Walker Attorneys Recognized in *The Best Lawyers in America*© 2020

August 19, 2019

### Firm News

Seven Lafayette Attorneys Named "Top Lawyers of Acadiana"

April 5, 2019

### Honors & Rankings

127 Jones Walker Attorneys Ranked by *The Best Lawyers in America*© 2019

August 21, 2018

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## Honors & Rankings

Jones Walker Attorneys Recognized in *The Acadiana Profile* "Top Lawyers"

April 18, 2018

**Curriculum Vitae**  
**Lawrence F. Stengel**  
280 Granite Run Drive, Suite 300  
Lancaster, PA 17601  
Phone: 717.556.1080  
Cell: 717.740.1288  
Email: [lfs@sa-xtonestump.com](mailto:lfs@sa-xtonestump.com)

## Professional Experience

### **Shareholder**, Saxton & Stump LLC

*September 2018 to present*

- Chair of the firm's Internal Investigations and Title IX practice, which provides services to corporations, educational institutions, government agencies and other organizations regionally and nationwide in the investigation of fraud, employment practices, compliance issues and the evaluation of potential civil and criminal liability.

### **Chief Executive Officer** and Arbitrator/Mediator, Optimal Dispute Resolutions

*September 2018 to present*

- Alternative dispute resolutions (ADR) firm providing mediation, arbitration, and consulting services
- Has served as arbitrator or mediator in dozens of matters, including complex commercial disputes, personal injury cases, real estate, employment, insurance coverage, fraud, Orphan's Court litigation, family law cases, corporate and partnership disputes

### **Chief Judge**, United States District Court, Eastern District of Pennsylvania

*August 2017 to August 2018*

- Chief Judge of a court with four divisional offices, 22 judgeships with 18 active judges, 10 Senior Judges and 10 Magistrate Judges in 2018

### **District Judge**, United States District Court, Eastern District of Pennsylvania

*June 2004 to August 2018*

- Nominated by former president George W. Bush and sworn in on June 29, 2004
- Presided over dozens of civil and criminal trials
- Former Chief Judge, United States District Court for the Eastern District of Pennsylvania
- Federal district judge for 14 years; sat by designation occasionally on the 3<sup>rd</sup> Circuit
- Former member of the Judicial Council for the Third Circuit Court of Appeals; former member of the Third Circuit Committee on Judicial Wellness; former planner/moderator for various educational programs at Third Circuit Judicial Conferences
- Author of 1500+ opinions as a federal and state court judge on many issues, including First Amendment, search and seizure, RICO, federal and state sentencing, money laundering, large drug trafficking organizations, human trafficking/ child pornography cases, rape/sexual assault cases, college/university grievance cases (usually civil rights claims arising out of discipline/termination proceedings), political corruption cases, tax fraud, mail/wire fraud, election law, insurance coverage, patent, trademark, copyright, habeas corpus, evidence, school/education law, antitrust (Sherman Act/Clayton Act) class actions, toxic torts, pharmaceutical litigation, multi-district litigation, product liability, admiralty, negligence, bad faith, preliminary injunctions/temporary restraining orders, Title VII employment

discrimination, police excessive force cases, Civil Rights litigation, Hatch-Waxman litigation, municipal liability, and more.

- Handled a wide variety of civil and criminal cases and presided over dozens of trials. Judge Stengel was assigned to two MDL cases, the most recent being *III Re 1/enol*. He demonstrated competence and skill in managing large complex cases and presiding over numerous high-profile trials in both the civil and criminal areas.
- From 2009 through 2018, Judge Stengel served on the Judicial Resources Committee of the Judicial Conference of the United States, the committee responsible for HR policy for the entire federal judiciary. In 2015, Chief Justice Roberts appointed Judge Stengel as the Chair of that committee, and he served as the Chair for 3 years. In addition, he served on the federal judiciary's Senior Judge Working Group, the Human Resources Advisory Council, the Subcommittee on Cost Containment, the Director's Award Committee, the Unit Executive Compensation Committee, and attended meetings of the Judicial Conference of the United States during that 3 year period. Judge Stengel served on the Third Circuit Judicial Council and served as a course planner and moderator for three (3) District Court retreats and three (3) Circuit Conferences.

**Judge**, Court of Common Pleas for Lancaster County, Pennsylvania

*October 1990 to June 2004*

- Authored more than 1000 opinions for the state court and presided over hundreds of jury and nonjury trials, including complex medical malpractice, product liability, land use cases and 20 homicide cases as well as two death penalty trials
- From 1990 until 2004, Judge Stengel served as a Judge of the Court of Common Pleas of Lancaster County, Pennsylvania where he presided over criminal and civil trials, wrote opinions, and conducted settlement conferences. His experience on the state court bench involved numerous high-profile criminal trials and many complex civil trials. While on the state court bench, he revised the Local Rules of Civil Practice and pioneered the successful Discovery Motions Court in Lancaster County. He received the President's Award from the Pennsylvania State Conference of Trial Judges in 2002.

**Attorney**, Law Offices of Lawrence F. Stengel

*January 1985 through October 1990*

- Private law practice, concentrated in civil trial work in state and federal courts

**Associate**, Dickie, McCamie & Chilcote, P.C., Pittsburgh, Pennsylvania

*September 1980 to December 1984*

## Appointments and Professional Activities

**Special Master**, United States District Court for the Eastern District of Virginia

*February 2019 to present*

- Appointed by Court as Special Master to oversee the divestiture of assets of a company in a Clayton Act case

**Expert Witness**

*2019 to present*

- Expert witness in insurance fraud case and Dragonetti Act/wrongful use of civil proceedings civil cases



**Special Investigator**, National Football League's (NFL) Concussion Settlement Program  
December 2018 - May 2020

- Supported implementation of the settlement agreement by leading the investigation of possibly fraudulent claim submissions and making recommendations to the Special Masters overseeing the administration of the fund

**Investigator**, Administrative Office of Pennsylvania Courts, retained by AOPC to investigate complaints against a President Judge in a county court.  
March 2021 - present

**Chair of the Independent Oversight Committee**, Archdiocese of Philadelphia's Independent Reconciliation and Reparations Program (IRRP)  
December 2018 - present

- Committee is tasked with overseeing the claims process and regularly reviewing and examining Archdiocesan programs that relate to child protection and abuse survivor assistance
- Invited to give [testimony](#) before the Pennsylvania Senate Judiciary Committee regarding the Archdiocese of Philadelphia's IRRP during a [hearing on statute of limitations with respect to claims of sexual abuse](#), September 2019

**Special Master**, United States District Court for the District of Delaware, the District of New Jersey, and United States District Court for the Eastern District of Pennsylvania for complex discovery disputes and to conduct the settlement process in a complex pharmaceutical case.  
2018 - present

**Arbitrator**, Tobacco Litigation, along with two other retired federal judges I am serving as an arbitrator in disputes between the states and the participating manufacturers over adjustments provided under the 1998 Master Settlement Agreement.  
2020 - present

**Member**, Judicial Resources Committee of the Judicial Conference of the United States  
2009 - 2018

- Served on the committee which oversees human resources policy for the federal judiciary
- Appointed by Chief Justice John G. Roberts, Jr. in 2009, then named Chair by the Chief Justice in 2015
- Served as Chair of the Committee on Judicial Resources, Chair of the Subcommittee on Judicial Statistics, served as Liaison to the Human Resources Advisory Council, Subcommittee on Senior Judge Staffing and chaired the Subcommittee to Review Executive Pay Grades in the judiciary.

## Significant Opinions

- [Asten Johnson v. Coalition for the Protection of the Family](#), 483 F. Supp. 2d 425 (March 2007)
- [Coalition for the Protection of the Family v. City of Pittsburgh](#), 116 F. Supp. 3d 486, 2015 U.S. Dist. LEXIS 96637 (July 2015)
- [Biesecker v. Cerebral Palsy Association](#), Civil Action No. 17-2586 (March 2018)
- [Cercier v. Sebelius](#), Civil Action No. 13-3249 (March 2016)
- [EEOC v. Smokin' Joe's Tobacco Shop](#), Civil Action No. 06-01758 (August 2007)
- [In Re: Christopher Columbus, LLC](#), 870 F.3d, 130, 217 (September 2017)
- [In Re: Tylenol \(Acetaminophen\) Marketing, Sales Practices and Products Liability Litigation](#), MDL No. 2436 (May 2015)
- [CCH Product Liability Report](#), pp. 19, 728, 215 WL 7075949

- *In Re Tylenol*, 144 Fed. Supp. 3d 680, 2015 U.S. Dist. Lexis 153969.
- *CCH Product Liability Rep01tel*; p. 19, 737.
- [In Re: fl/e/lb1 ltti1 lSR A1 ltitr1 l1st Litigation Medical M1 l1 l1al of Ohio v. G/axo Smith Kline](#), Civil Action Nos. 04.5525 and 05.3Q6 (August 2010)
- *In re: fl/ellbtthin SRA1 ltitr1 l1st Litigation11*, 749 F. Supp. 2d 260 (August 2010)
- [1111lovative Office Prod1lcts, Inc. v. Spaceco. Inc and Spaceco B1 l1siness Solutions. Inc.](#), Civil Action No. 05.4037 (August 2008)
- *Patemo v. Pe1 l1nrylva1 l1a State U1 l1versiry*, 149 F. Supp. 3d 530 (February 2016)
- *Stmtzell v. Ciry of Philadelphia*, Civil Action No. 05.05287 (May 2006)
- *Synthes (USA) v. Globtts Med., Inc.*, Civil Action No. 04-CV-1235 (September 2005)
- *Valspar C01p. v. E. I. Du Pol1 l1t De Nemottrs & Compmy*, 870 F.3d, 185, 2017 U.S. Appeals Lexus 19015 (Stengel, J dissenting).
- *Johnson v. Vettel*; 1991 Pa. District & County, December Lexis 179, 11 Pa. D&C 4<sup>th</sup> 24.
- *Commonwealth v. Lambe,t*, 1998 WL 558749, Pa. Common Pleas, August 24, 1998.

## Education

### University of Pittsburgh School of Law, J.D., 1980

- Sel-ved on the Law Review and published a Comment

### St. Joseph's University, B.A. in English, 1974

## Educational Activities

### Adjunct Professor, Franklin & Marshall College, Goirernment Department

1997 to 2018

- Course: "Trial Courts in the Justice System" taught to juniors and seniors in the spring semester

### Adjunct Professor, Temple School University, Beasley School of Law

Atlgpt 2012 to 2018

- Federal Judicial Clerkship clinical course taught to 22 thitd-year law students; admission is through a competition process and the students are among the best and brightest in the law school

### Adjunct Professor, Millersville University

1999 to 2003

## Continuing Legal Education: Seminars and Presentations

"In Pursuit of Civil Discourse," *Donegal High School Democracy Dqy*, November 1, 2019.

"A Judge's Perspective on Litigation and Practice," *Lancaster Area Paralegal Association 5<sup>th</sup> A1 l1 l1tal Civil Conference*, September 13, 2019.

"Judicial Function, Exceptional Lawyers and Juror's Impressions," *U-Hattl National Ttial La1 J1 l1ers' Collfere1 l1ce*, May 30, 2019.

"Hostile Work Environments and Sexual Harassment," panel member, *Pennsylvania Bar Association 26<sup>th</sup> Annual Conference - PBA Commission on Jurisprudence in the Profession*, May 15, 2019.

"Civil Practice in the Eastern District of Pennsylvania," panel member, *Philadelphia Bar Institute*, April 11, 2019.

"Navigating the Top Issues Facing HR Professionals," *Associated Builders and Contractors Krystone Chapter*, December 2018.

"Inside Rule 56: What the Judges think about summary judgment in employment cases," *Pennsylvania Bar Association Twenty-Third Annual Employment Law Institute*, April 20, 2017.

"Emerging Issues in Mass Tort MDL's," *Duke Law School Multi District Litigation Conference - Center for Judicial Studies*, October 28, 2016.

"Practicing in Federal and State Courts," *Lancaster Bar Association*, February 19, 2016.

"Professionalism in the Courtroom," *Pennsylvania Bar Association Twenty Second Annual Employment Law Institute*, April 2016

"Raising the Level of Ethics and Professionalism in the Labor and Employment Bar," *American Bar Association Labor and Employment Section Employment Law Conference*, November 4, 2015.

"Difference Between the State and Federal Court Practice," *Temple Innsbruck Center*, November 13, 2013.

"Impact of a 2011-2012 U.S. Supreme Court term," *Pennsylvania Bar Association and Montgomery County Bar Association, Federal Practice Committee*, May 29, 2013.

"My First Federal Trial," *Pennsylvania Bar Association*, November 29, 2012.

"America's Jury System," *Lyttelton Theatre, Lancaster PA*, October 31, 2012.

"Admissibility of ESI," *Federal Courts Committee, Philadelphia*, September 2012.

"Diversity in the Judiciary Workforce," *Lancaster Countywide Conference*, May 1, 2012.

"Diversity in the Federal Judiciary Workforce," *Lancaster Countywide Conference*, April 30, 2012.

"Emerging Issues in Neuroscience," *Judicial Seminar* October 31, 2011.

"Employment Law Issues," *Berks County Chamber of Commerce and Berks County Bar Association*, October 12, 2011.

"Federal Court Practice," *Lancaster Bar Association*, May 10, 2011.

"Employment Law Seminar," *Pennsylvania Bar Association 171, Annual Employment Law Institute*, April 20, 2011.

*Berks County Law Enforcement Explorer Meeting*, April 16, 2011.

"Twombly/Iqbal Decisions: Impact on Federal Practice," *Berks County Bar Association*, April 16, 2011.

"Federal Court Discrimination Disputes," *Pennsylvania Bar Association*, March 25, 2010.

"Litigation in Eastern District of Pennsylvania," *Pennsylvania Bar Institute Presentation to Allentown Bar Association*, December 4, 2009.

"Litigation in Eastern District of Pennsylvania," *Pennsylvania Bar Institute CLE Presentation*, November 20, 2009.

"Judicial Autonomy v. Judicial Accountability," *Pennsylvania Bar Institute*, October 15, 2009.

"Civil Courts Updates," *Philadelphia Association of Defense Counsel*, June 10, 2009.

Federal Practice," *Lancaster Bar Association Allentown Bench Bar Conference*, September 26, 2008.

"My First Federal Trial," *Pennsylvania Bar Institute*, May 15, 2008.

"A View From the Bench," *Pennsylvania Bar Institute 14th Annual Employment Law Institute*, April 18, 2008.

"Status of Federal Practice in Reading," *Bench Bar Conference Berks County, Pennsylvania*, April 27, 2007.

"Practice Differences Between Federal and State Courts," *Philadelphia Bar Association Federal Courts Committee*, May 17, 2006.

*Millersville University Constitution Day Presentation*, September 15, 2005.

"Practice in the Eastern District of Pennsylvania," *Lancaster Bar Association CLE Presentation*, February 5, 2005.

Course planner and moderator for three (3) judicial retreats for the EDP A and service as an educational program planner for two (2) Third Circuit Judicial Conferences.

## Awards and Recognitions

- **Distinguished Citizen of the Year**, Boy Scouts of America - Pennsylvania Dutch Council, May 2006
- **Alumni Citation for Outstanding Professional Achievement**, Lancaster Catholic High School, April 2005
- **President's Award**, Pennsylvania Conference of State Trial Judges, 2002
  - o Presented by the President of the Conference for work in planning an educational program for the state judiciary on racial disparity in sentencing

## Community Involvement

**Board Member**, Pennsylvanians for Modern Courts  
2018 to present

**Council Member**, Advisory Council, Lancaster Catholic High School  
2013

**Coach**, Lancaster Area CYO Basketball  
1987 to 1994, 1986 to 1991, 2003 to 2004, and 2012 to 2018

**President**, Parish Council, Sacred Heart Parish  
2002-2004

**Coach**, Lancaster YMCA Soccer Program  
1986 to 1992

**Board Member**, Board of Directors, Leadership Lancaster  
1990 to 1996  
Chair, Selection Committee

**Board Member**, Board of Directors, Lancaster Catholic High School  
1986 to 1990

## Media Mentions and Appearances

[Judge Lawrence Stengel to retire after career that gave 'everyone a fair shake'](#). Jeff Hawkes. *Lancaster Newscaper*. (July 22, 2018)

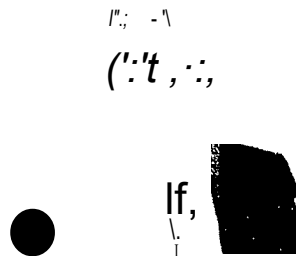
[Retired US Chief Judge Stengel Joins Lancaster Law Firm](#). P.J. D'Annunzio. *The Legal Intelligencer*. (September 5, 2018)

## Recent Articles/ Op-Ed

[Retired federal judge considers checks, balances and the Mueller report](#), Lancasteronline (April 29, 2019)

[Retired federal judge offers verdict on the way we choose judges](#), Lancasteronline (September 15, 2019)

# Rumberger I Kirk



## R. Scott Williams

### Partner

BIRMINGHAM OFFICE

PHONE 205.572.4926

EMAIL [swilliams@rumberger.com](mailto:swilliams@rumberger.com)

### Profile

Scott Williams focuses his practice on bankruptcy, reorganization and creditors' rights and commercial litigation. He represents creditors and debtors in complex bankruptcy matters and has substantial experience in handling complex commercial litigation cases. In addition, Scott's experience extends to litigation and transactional work in a number of areas including: automotive, energy, healthcare, and municipal finance sectors. Scott further has ongoing experience as a Future Claims Representative under the Bankruptcy Code and serves the Congoleum and Shook & Fletcher Asbestos Trusts.

Scott is active in the Bankruptcy Bar on both local and national levels. He was a contributing editor to *Collier on Bankruptcy*, and co-authored *Bankruptcy Litigation Manual: What Civil Litigators Need to Know* (American Bankruptcy Institute). In 2007, Scott became the first practicing attorney from Alabama to serve on the Board of Directors of the American Bankruptcy Institute ("ABI") and served as vice president and a member of the Executive Committee. He also served as Co-Chair of the ABI Litigation Skills Symposium and is a frequent lecturer and author on bankruptcy and commercial law topics.

Prior to entering private practice, Scott served as Counsel to U.S. Senator Howell T. Heflin on the U.S. Senate Judiciary Committee's Subcommittee on Courts and Administrative Practice (1988-1992). Scott played a significant role in drafting the United States Bankruptcy Code Amendments enacted in 1995, while serving as Counsel to Senator Heflin. Two provisions of the Bankruptcy Code that Scott played a key role in their enactment are §524(g) and §1114. Scott also served as a law clerk for the United States District Judge Sharon Lovelace Blackburn.

### Details

#### INDUSTRIES SERVED

- Healthcare
- Banking and Financial Institutions

#### ENGAGEMENT

##### PROFESSIONAL

- American Bankruptcy Institute
  - Vice President, Membership, 2013
  - Executive Committee, 2013
  - Board of Directors, 2007
  - Past Board Member, ABI Southeast Regional Conference
  - Co-Chair, Litigation Skills Symposium
- American Bar Association
- Alabama Bar Association
- Birmingham Bar Association
  - Past President, Bankruptcy and Commercial Law Section
  - Past Member, Executive Committee

##### COMMUNITY

- First United Methodist

- Homewood (AL) City School Board  
Past President
- Youth Sports Coach

#### CREDENTIALS

#### EDUCATION

University of Alabama School of Law -J.D., 1988  
Student Works Editor, *Journal of the Legal Profession*, 1987-1988  
University of Illinois, Urbana-Champaign - B.A., 1985

#### BAR ADMISSIONS

, Alabama - 1988

#### COURT ADMISSIONS

- U.S. Court of Appeals, 11th Circuit
- U.S. District Courts of Alabama (Northern, Middle, Southern)

#### AWARDS & HONORS

- AV-Rated by Martindale-Hubbell
- Listed in Mid-South Super Lawyers, Bankruptcy: Business, 2016-2021
- Birmingham Business Journal, Best of the Bar, 2021

#### ARTICLES & PRESENTATIONS

- Author, "Surviving a Rough Patch," Published in "Modern Restaurant Management," June 29, 2020
- Co-author, "COVID-19 Navigating a Pandemic: A Practical Guide For Businesses," March 2020
- Author, "Small Business Bankruptcy Reforms You Need to Know," Business Alabama, March 5, 2020
- "Top Tips to Resurface After a Bankruptcy," Business Alabama, April 18, 2019
- , "Art of Persuasions: Trial Techniques to Win Your Case", 12th Annual American Bankruptcy Institute/SMU Litigation Skills Symposium, 2013
- "Navigating Uncertain Times: How retailers can outlast a bankruptcy," Chain Store Age Magazine, April 2019
- , "A Fork in the Road, What Happens When Things Don't Go Right: Considerations for Bankruptcy Protection," Energy & Mining International. Volume 17, Issue 1, January 24, 2019
- Moderator, "Auctions: Law, Tips and the Cutting Edge," 34th Annual Meeting of the Association of Insolvency and Restructuring Advisors, June 2018
- , "How to Successfully Litigate a Relief-from-Stay-Motion," American Bankruptcy Institute 36th Annual Spring Meeting, April 20, 2018
- , Author, "Pay Attention to These Financial Warning Signs," Hardware Retailing, May 2019
- "Evidence Demonstration: Using Experts at Trial." Alexander L. Paskay Seminar on Bankruptcy Law & Practice, Stetson Law School, 2011
- Collier on Bankruptcy (15th Ed. Rev.), Chapters 501 and 502 (2005); Contributing Editor
- "Art of Persuasions: Trial Techniques to Win Your Case", 8th Annual American Bankruptcy Institute/Tulane University Law School Litigation Skills Symposium, 2009
- "When Things Go Bad: An Overview of Bankruptcy", Alabama Society of CPAs, 32nd Annual Sandestin Continuing Professional Education Conference, 2008
- , "Bankruptcy Litigation for Non-Bankruptcy Lawyers", Birmingham Bar Association, 2008
- , Bankruptcy Litigation Manual: What Civil Litigators Need to Know (American Bankruptcy Institute, 2007) (Co-Author)

- "Mock Presentation with an Evidentiary Focus on Privileges: Lawyer/Client, Fifth Amendment, Waiver, Trade Secrets, Financial Privacy, Turnover, & Alternatives", American Bankruptcy Institute Annual Spring Meeting, 2005
- "Proposed Exemptions in Alabama" Cumberland School of Law Annual Bankruptcy Seminar, 2003
- , "Nuts and Bolts of Effective Bankruptcy Trial Practice" American Bankruptcy Institute Annual Spring Meeting, 2003